

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CLAY ROUECHE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C13-2165RSL

ORDER DENYING MOTION  
FOR COUNSEL AND  
EVIDENTIARY HEARING


This matter comes before the Court on Petitioner's "Motion for Appointment of Counsel and Incorporated Request for an Evidentiary Hearing" (Dkt. # 4) in this 28 U.S.C. § 2255 action to vacate, set aside, or correct Petitioner's sentence. Having considered Petitioner's motion and the remainder of the record, the Court finds as follows:

There is no constitutional right to counsel in a post-conviction § 2255 proceeding. Sanchez v. United States, 50 F.3d 1448, 1456 (9th Cir. 1995). Under the Rules Governing § 2255 Proceedings for the United States District Courts, if a judge authorizes discovery or finds that an evidentiary hearing is warranted, "the judge must appoint an attorney for a moving party who qualifies to have counsel appointed under 18 U.S.C. § 3006A." Rule 6(a); Rule 8(c). The Court has not authorized discovery or determined that an evidentiary hearing is necessary. In the event that the Court finds an evidentiary hearing or discovery necessary, the Court will appoint counsel for Petitioner.

1 The Court also DENIES Petitioner's request for an evidentiary hearing as  
2 premature. The Court will consider Petitioner's request and determine whether an  
3 evidentiary hearing is required following receipt and review of the government's  
4 response to his petition and Petitioner's reply, if any.

5 For all of the foregoing reasons, the Court DENIES Petitioner's motion for  
6 appointment of counsel and evidentiary hearing (Dkt. # 4).

7 DATED this 10th day of December, 2013.

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11 United States District Judge  
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